

## **Committee of the Whole**

September 09, 2014

The Committee of the Whole met Tuesday, September 09, 2014 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: McKenzie, J. Harrison, Allen, K. Harrison,  
Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr,  
Moore, Meyers, Moehring  
1 Absent: Hernandez

Others Present: County Judge Bob Clinard, Assessor Glenn “Bear” Chaney, County Attorney George Spence, Administrator of General Services John Sudduth, Administrator of Public Services Jeff Clark, Department of Human Resources Manager Barbara Ludwig

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

### **PUBLIC COMMENTS**

None

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous voice vote.

JP J. Harrison made motion to remove Item “B” from the agenda, seconded by JP Jones.

JP Moore stated that the reason that the Road Department is pulling this resolution request from the agenda is because the repair costs received from the engineer were incorrect, and that the correct amount will be re-submitted.

Motion passed by a unanimous voice vote.

### **COMMITTEE REPORTS**

None

**A. Presentation: Benton County Cooperative Extension Service Agent, Johnny Gunsaulis**

Benton County Cooperative Extension Service Agent Johnny Gunsaulis stated that the University of Arkansas Cooperative Extension Services will prepare ballot initiative fact sheets which will provide information to the citizens of Benton County on the two ambulance funding plans to be considered at the November 4, 2014 General Election. He stated that an effort will be made to ensure that the information is presented in a fair and balanced way, and best represents the facts associated with the two ballot issues.

Lengthy discussion was held on the University of Arkansas Cooperative Extension Services ballot initiative fact sheets that would inform the citizens of Benton County on the two ambulance funding plans placed on the November 4, 2014 General Election ballot.

JP Meyers stated that we have less than 60 days until the election and that he does not think that they could get enough information out there. He added it is going to kill our budget if we do not get something passed.

JP Moehring stated that the county needs a strategy for the informational effort. He stated that right now we do not have coordinated plans. He added that there is not a budget, a Face book page, or a Twitter feed.

After much discussion a show of hands vote was given supporting the use of the ballot initiative fact sheets prepared by the University of Arkansas Cooperative Extension Services.

**B. Removed from Agenda - Resolution Request: Expressing the Willingness of Benton County to Utilize Federal Aid Surface Transportation – Attributable (STP-A) Funds for Replacement of Osage Creek Bridge; Sponsor: JP Kurt Moore**

**C. Resolution Request: Expressing the Willingness of Benton County to Utilize Federal Aid Surface Transportation Program – Attributable (STP-A) Funds for Design and Construction Costs in Connection With the Repair of War Eagle Bridge: Sponsor: JP Kurt Moore**

JP Allen stated this resolution request is to apply for a grant through the Northwest Arkansas Regional Planning Commission for design and construction costs in connection with the repair of the War Eagle Bridge.

JP Allen made motion to approve and forward the proposed resolution to the September 25, 2014 Quorum Court agenda, seconded by JP K. Harrison.

Administrator of Public Services Jeff Clark reported that the estimated costs to repair War Eagle Bridge are \$300,000.00 and if approved the County will be eligible for reimbursement of approximately \$240,000.00, leaving the county's share at approximately \$60,000.

Lengthy discussion was held on the design and construction costs for the repairs that the state recommended for the War Eagle Bridge and the amount the county could receive from the Northwest Arkansas Regional Planning Commission.

Motion passed by unanimous show of hands vote.

**D. Resolution Request: Quorum Court Approving the Issuance of Water Revenue Refunding Bonds (Bella Vista Village Project); Sponsor: JP Joel Jones.**

JP Jones stated that this resolution request is to restructure the current bonds to lower the interest rate, for the Water Revenue Refunding Bonds (Bella Vista Village Project) which were issued to construct and equip new water facilities in Bella Vista. He stated that because of the timing they would like to get this approved by the Quorum Court this month so that they can lock in the interest rate.

JP Jones made motion to approve and forward the proposed resolution to the September 25, 2014 Quorum Court agenda, seconded by JP Chiocco.

Bob Wright, Senior Managing Director with Crews and Associates, stated that they are working with the POA of Bella Vista, and that they appreciate the court's consideration for expediting the resolution request.

Motion passed by a unanimous show of hands vote.

**E. Ordinance Request: Establishing the Offense of "Careless and Prohibited Driving" and Establishing Punishment Therefore; Sponsor: JP Kevin Harrison**

JP Kevin Harrison stated that this ordinance request is a proposal from the Sheriff's Office to allow deputies to issue tickets for a list of traffic offenses regulated by state law. He stated that the ordinance sets fines of up to \$250 for each offense. He added that it may or may not go on a person's driving record; it depends on how the court reports it.

JP K. Harrison made motion to approve and forward the proposed ordinance to the September 25, 2014 Quorum Court agenda, seconded by JP Adams.

JP Carr stated that he is trying to understand why we are trying to have a county ordinance for something that he believes is already state law. He asked if the Sheriff's department cannot write tickets for these very same offenses.

JP K. Harrison stated that it is his understanding that if a county ordinance is adopted, then the county will receive more money from those verses a state- issued ticket.

County Attorney George Spence stated that this particular ordinance was drafted from the one adopted by the City of Rogers. He said his research indicates that citations written under a county ordinance would be reported in the same way as offenses under state law. He added whether it is a county ordinance, a state statute, or city ordinance, it does not matter at all with regard to the division of court costs. He stated that with regard to court costs, there is a fixed amount that is paid to the county and cities, and everything over that goes to the state. He stated that 100% goes to the arresting agency whether it is the county or

city, and that court costs and fines are distributed according to fixed formulas in the courts where the cases are heard, and that the county is unlikely to realize any more revenue. He added that over time that he did not think it would have any financial impact.

Lengthy discussion was held on the proposed ordinance to allow the Sheriff's deputies to write tickets for offenses covered by state law.

JP Allen stated that since we do not have the option of keeping it off drivers' records, and we are not going to get any more money from it, he did not see any reason for it.

JP Moehring asked if this is something that we might want to table and request that the Sheriff bring it back in a revised form.

JP K. Harrison withdrew his motion, second concurred.

Item "E" tabled.

**F. Appropriation Ordinance Request: Dept. 0130, Environmental Services, Fund 010; Sponsor: JP Jay Harrison.**

JP J. Harrison stated that this appropriation ordinance request for \$44,000 is for the expenses of the Fall County Clean-up, and made motion to approve and forward the proposed appropriation ordinance to the September 25, 2014 Quorum Court agenda, seconded by JP Jones

Motion passed by a unanimous show of hands vote.

**G. Appropriation Ordinance Request: Dept. 0415, Juvenile Intake, Fund 3705; Sponsor: JP Kurt Moore.**

JP Allen stated that this appropriation ordinance request is to appropriate \$22,082 in grant revenue received from the Juvenile Detention Facility (JDF) Supplement Grant for the associated expenditures, and made motion to approve and forward the proposed appropriation ordinance to the September 25, 2014 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by a unanimous show of hands vote.

**H. Appropriation Ordinance Request: Dept. 0108, Non-Departmental Maintenance, Fund 4000; Sponsor: JP Joel Jones.**

JP Jones stated this appropriation ordinance request is to appropriate the funds for the associated expenditures and is the first step in waterproofing the Sheriff's Office.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the September 25, 2014 Quorum Court agenda, seconded by JP K. Harrison.

Motion passed by a unanimous show of hands vote.

**Discussion- Coverage Under Workman's Comp for Certain Mental Health Issues**

Human Resources Manager Barbara Ludwig stated that there are changes that need to be made to the language for mental health coverage under the current law for Worker's Compensation.

Lengthy discussion was held on mental health issues not covered under the current Worker's Compensation policy.

Barbara Ludwig reported the impact to the 2014 budget due to the former comptroller's settlement agreement as follows; Total for Position \$141,959.18; Budget Impact of Settlement Agreement \$19,849.26; Net Savings on Accounting Manager \$37,392.24; Net Impact on 2014 Budget \$(17,542.98.)

**OTHER BUSINESS**

JP Jones presented a Power Point presentation that he has prepared on the Benton County Emergency Ambulance Services (EMS) ballot measure issues, so that the other JPs could use the presentation when holding Town Hall meetings. He said that he has created a Face book page with a link to the Emergency Medical Services (EMS) study for the county so that those citizens on Face book could access that information.

Lengthy discussion was held on holding hold Town Hall meetings at various locations to provide information to the citizens of Benton County concerning the two EMS referendums on the 2014 General Election Ballot.

**ANNOUNCEMENTS**

JP Chiocco announced that the Grievance Council will meet on Thursday, September 11, 2014 at 6:00 p.m.

JP Allen announced that the Finance Budget Committee meeting will be held Thursday, September 18, 2014 at 6:00 p.m.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Meeting adjourned at 7:55 p.m.